

1 of liability.¹ In the alternative, BNSF moves for partial summary judgment as it
2 pertains to some of Plaintiff's allegations of negligence that should be dismissed
3 because they are either preempted or precluded by federal law, do not legally
4 apply to the allegations made in this case or Plaintiff submits no evidence to
5 support the allegations alleged.
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8 Defendant submits a Brief in Support of its Motion.
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11 DATED this 10th day of September, 2020.

12 KNIGHT NICASTRO MACKAY, LLC
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14 By: /s/ Anthony M. Nicastro
15 Anthony M. Nicastro
16 Chad M. Knight
17 Steven T. Williams
18 *Attorneys for Defendant*
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27 ¹ BNSF acknowledges that Judge Knisely in the Montana 13th Judicial District *Weber* case
28 denied a Motion for Summary Judgment at a final pretrial conference and stated it would
issue an order stating the reasons why; however, no such order was ever issued by the Court.

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of September, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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